# Utah State Charter School Board Meeting Minutes

#### **November 15, 2007**

North & South Board Rooms Utah State Office of Education

# **APPROVED** - 01/17/08

Members present: Julie Adamic, Brian Allen, Barbara Killpack, John Pingree, Scott Smith, Joel Wright

Staff present: Marlies Burns, Gary Belliston, Melinda Fatani, Natalie Gordon, Jeannie Rowland, John

Taggart, Jo Schmitt

Others present: Superintendent Patti Harrington, Steve Winitzky, Janene Bowen, Darren Beck, Susan

Soleil, Steve Crandall, Monty Hardy, Rob Muhlestein

#### Call to Order

Chair Julie Adamic called the meeting to order at 10:00 a.m.

#### **Public Comment**

- Darren Beck from The Ranches Academy informed the State Charter School Board of the amendment request for The Ranches Academy and Rockwell Charter High School of taking 7<sup>th</sup> and 8<sup>th</sup> grades from The Ranches Academy and adding those grades to Rockwell Charter High School's enrollment. He stated the change would not increase enrollment numbers for the schools. Mr. Beck stated concerns of the length of time for approval because amendments would not be considered until February, March or April by the SCSB. Chair Julie Adamic directed the Charter School Staff to place school amendment requests that do not affect student enrollment on the January SCSB agenda. Superintendent Harrington made suggestion she contact the Utah State Board of Education regarding granting authority to her to make decisions on behalf of the USBE that do not involve enrollment changes. Mr. Beck expressed his appreciation for the SCSB and the USOE for their time and effort for the charter schools of Utah.
- Rob Muhlestein from American Leadership Academy expressed his concern of no representation by charter schools on the Utah High School Activities Association. Mr. Muhlestein also addressed a memo regarding eligibility of students to participate in UHSAA activities. The second concern Mr. Muhlestein expressed regarded the rule he referred to as "undue influence", which deals with transfer students for athletic reasons.

# Approval of Minutes

Motion was made by Member Scott Smith and seconded by Barbara Killpack to approve the minutes from the October 18, 2007 State Charter School Board Meeting. The motion was carried unanimously.

#### Charter School Board Chair's Report

Chair Julie Adamic stated she felt there were many things learned by those that attended the NACSA Annual Conference by talking with other authorizers and learning the Charter School programs of other states. As a result of attending the conference, Ms. Adamic suggested the SCSB participate in a board retreat to discuss the direction of the board, and to solidify their purpose and long-terms goals.

# Charter School Board Standing Committee Reports

• Communication Committee-Member Scott Smith informed the SCSB the Communication Committee discussed the Uniform Student Application and a Charter School public relations campaign. Chair Julie Adamic directed the Charter School Staff to proceed forward with the Uniform Student Application and have it ready for use by November 30, 2007.

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- Rule Review Committee-Member Brian Allen informed the SCSB the Rule Review Committee discussed R277-481, which is the rule that addresses the review process for charter schools. The committee also discussed non-compliance issues by Utah's charter schools and ways to address those issues.
- Annual Report Committee-Member Barbara Killpack informed the SCSB the Annual Report will be distributed to the legislature, the charter school association, school districts, the media, have a link on the charter school home page for the general public, the governor's office, the US Department of Education, and the Utah State Office of Education. Ms. Killpack stressed how important this document is, and the concern she has that Monticello Academy, Odyssey Charter School and Wasatch Peak Academy have not submitted any information to the committee. Ms. Killpack added that Canyon Rim has submitted a partial report. The report will be going to Quality Assurance November 30 and to printing December 14, 2007. Ms. Killpack stated she feels the report will be ready for the Legislature in January 2008. Chair Julie Adamic directed the Charter School staff to inform the schools that have not submitted information of their options of participating with the combined Annual Report or writing their own report. To publish and make it available to all the previously mentioned sources, and being responsible for printing and postage costs.
- Grants Committee-Member John Pingree informed the SCSB the committee is working on the Start-up and Implementation Grant application. Mr. Pingree feels in January the committee will be ready to present a recommended form.

# Building relationships with Districts

Director Marlies Burns informed the SCSB that she had contacted the Utah School Boards Association and was informed the Association is having a conference in January; however the deadline for being a participant for being a presenter in that conference was last June. Ms. Burns was informed she would have to wait until March 2008 before she could request being a presenter for the next conference. Superintendent Harrington questioned what the nature of presentation she wanted to present. Ms. Burns informed Superintendent Harrington that she felt the presentation would be more of a "question and answer" discussion regarding what charters are and are not, because there is misinformation regarding charter schools with some district superintendents.

#### Original Signatures

Director Marlies Burns informed the SCSB she has sought insight from Carol Lear whether or not the state office is required to have original signatures on documents, or whether the USOE can accept faxed or scanned documents as original signatures. Ms. Burns apologized that she has not heard back from Ms. Lear, so she does not have an answer for the question of original signatures needed. Member Joel Wright stated the general law is a signature is assumed valid unless it is challenged. Because signatures are so easily forged, in the commercial world, there is no distinction made between a copy of a signature and an existing signature. Mr. Wright went on to say that given how easy it is to fax or scan and email documents, he feels it would be wise to accept those faxed or scanned signatures; but, Mr. Wright added, Carol Lear should be the definitive word on these concerns. Member Brian Allen stated he believes in Governor Leavitt's term there was a law passed on e-commerce that dealt with electronic and faxed signatures and their validity.

#### Charter School facilities progress

Melinda Fatani distributed a progress report for groundbreaking and facility construction for the new charter schools opening in 2008.

# R277-470-7

Director Marlies Burns distributed a document reflecting language changes for R277-470-7. Timelines for Charter School Starting Date. Chair Julie Adamic directed the Charter School Staff to take the recommended language change to the USBE for third reading.

#### **High School Athletics**

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Director Marlies Burns distributed a document reflecting the results of the Utah High School Activities Association survey.

# **Charter School Funding Amendments**

Director Marlies Burns distributed a general description bill that modifies funding for charter schools by requiring a school district to provide an allocation of property tax revenues for each resident student attending a charter school.

Director Julie Adamic directed the Charter School Staff to inform the USBE that the Charter Schools would like to be included on the tracking and comment sheet for legislative issues. Also, Ms. Adamic suggested the SCSB be prepared for their January SCSB Meeting to take position on the issues presented by the legislature.

# Prioritization of legislation agenda

Chair Julie Adamic distributed a prioritization list from Utah Association of Public Charter Schools for the Legislative Agenda. Motion was made by Member Brian Allen and was seconded to table the prioritization list for the next SCSB meeting. The motion was carried unanimously.

# Charter School Agreement change and frequency of signing

Director Marlies Burns informed the SCSB that there are several charter schools that have never signed a Charter School Agreement, which is the binding document between the SCSB and the charter school itself. In the past the schools have signed it annually and Ms. Burns questioned if that is necessary. After much discussion, motion was made by Member Joel Wright and seconded by Scott Smith for Mr. Wright to draft a new version of the Charter School Agreement document including the statement "The school will comply with all applicable laws and rules going forward in the State of Utah and in the event of any conflict with the school's charter, Articles of Incorporation or Bylaws this shall supersede." Mr. Wright also suggested including a standard clause stating separate signatures or copies of signatures are acceptable. The motion included reviewing the proposed language in the January SCSB Meeting. The motion was carried unanimously.

#### Schools with excessive maximum and low enrollment

Director Marlies Burns presented a spreadsheet reflecting enrollment amounts of the actual enrollment and the charter maximum of over 200 students. After much discussion, no action was taken.

# <u>UEN Steering Committee charter school representative</u>

Director Marlies Burns reminded the SCSB that the SCSB had voted to have an individual with charter school knowledge represent charter schools on the UEN Steering Committee. Ms. Burns informed the SCSB that that member has resigned and she offered to serve as the charter school representative on the committee. Member Joel Wright suggested Ms. Burns be put in the position as interim until another volunteer has been appointed. Motion was made by Member Barbara Killpack and seconded by Member Scott Smith to appoint Marlies Burns in an interim position on the UEN Steering Committee. The motion was carried unanimously.

# Utah County Health Department, R392-200

Director Marlies Burns distributed a letter she received from Utah County Health Department to the SCSB naming schools that are not recognized by the UCHD as being in compliance with R392-200, which is very specific to design, construction, operation, sanitation and safety of schools. Motion was made by Member John Pingree and seconded by Member Joel Wright to encourage the charter schools involved to communicate with the UCHD and ensure they are incompliance with the health codes. The motion was carried unanimously.

#### Liberty Amendment

Rob Muhlestein presented the amendments to Liberty Academy's charter to change the founder list, Articles of Incorporation and Bylaws, board officers, board of advisors, school board, parent board, and purchasing policies. Motion was made by Member Scott Smith and seconded by Member Barbara Killpack to approve all amendments to Liberty Academy's charter, except the founders list. Member Joel Wright recused himself from

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the vote. Chair Julie Adamic apologized for not having read the amendment document, and questioned the Charter School Staff their opinion of the amendment request. Director Marlies Burns informed Ms. Adamic that the Charter School Staff has read the amendment request and feel the school is coming into better guidance, and the only concern they found was with the founders list. Ms. Burns also stated she has spoken with Georgia Loutensock and Liberty Academy has not applied for accreditation. Mr. Muhlestein stated he would contact Ms. Loutensock, because he felt the school had made application for accreditation. Ms. Burns's final concern was regarding training and board members being in attendance. The motion was carried with affirmative votes by Members Scott Smith, Barbara Killpack, Brian Allen, John Pingree and Chair Julie Adamic.

# <u>Adjourn</u>

Motion was made to adjourn at 12:25 by Member Barbara Killpack.

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